



PATENT
2569-0103P

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT: Wells OBRECHT

APPL. NO.: 08/900,360 GROUP: 2765

FILED: July 25, 1997 EXAMINER: CRECCA, M.

FOR: METHOD AND APPARATUS FOR PROCURING GOODS IN AN AUTOMATED MANNER

DECLARATION UNDER 37 C.F.R. § 1.131

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

The undersigned, Wells Obrecht, being a citizen of the United States residing at 509 Edgevale Road, Baltimore, Maryland 21210 hereby declares and says as follows:

1. I am the sole inventor of the subject matter, in U.S. Application Serial No. 08/900,360 filed July 25, 1997. I am also the sole inventor of the priority document of that application which was a provisional application no. 60/023,282 filed July 25, 1996. All the work related to the subject matter of the present application and the provisional application was performed in the United States of America.

2. The Examiner in rejecting the claims in this application uses as one of the prior art references in a combination rejection, the Govannoli patent (No. 5,758,328) issued May 26, 1998, filed on February 22, 1996.

3. The Govannoli (Patent No. 5,758,328) is directed to a system for engaging commercial transactions. Buyers accept requests for a quotation from vendors. The

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buyers first identify, for example, standard goods or services that they wish to identify in a request for a quotation. These requests are submitted to sellers who are determined by the requirements set forth by the buyer. Thereafter, the sellers transmit to the buyers an offer for sale. This information can be transmitted in an internet computer network using a computerized system

4. Exhibit A, titled **High Level Design Automotive Live Market Exchange System** attached hereto, (which was published before February 22, 1996) presents evidence that the present claimed device in this application was reduced to practice or, in the alternative, conceived before the prior date of U.S. Patent 5,758,328 (filing date February 22, 1996). Exhibit A is an article written by myself and it supports the subject matter claimed in the present application. For example, directing attention to claim 1 (amended) which is directed to a method for purchasing goods or services from a seller by a buyer, this method comprises the steps which can be read on Exhibit A as follows:

1. (Amended) A method for purchasing goods or services from a seller by a buyer comprising:
 - (a) receiving a request from a buyer for goods or services with a predetermined plurality of criteria related to the goods or services; (e.g. page 3 (e.g. third paragraph), page 5, page 6 and chart page 15)
 - (b) selecting at least one seller from a predetermined group of sellers of the goods or services based on the received predetermined plurality of criteria; (pages 3, 12, last two paragraphs, chart page 15)
 - (c) transmitting the request of the buyer to the selected at least one seller of the goods or services; (pages 3, 12 last paragraph)

(d) receiving, within a predetermined time interval, responses from the at least one seller to the request; (chart page 15 and page 3, second paragraph)

(e) compiling information provided in the responses received from at least one seller within the predetermined time interval; (e.g. chart page 15)

(f) ranking the sellers based upon the compiled information including the plurality of criteria and selecting sellers with the relatively highest ranking; (based on criteria);

(g) providing the compiled responses of the selected sellers for access by the buyer. (page 3 and chart page 15); and

(h) I also contemplated that the sellers would be listed (ranked) based on the satisfaction of the buyers input criteria. (chart page 15).

Although the article may not use the exact wording in the claims, one skilled in the art could readily practice the present invention based on the descriptions in the article without any undue experimentation. While claim 1 has only been described, especially the independent claims 10 and 19 are encompassed by the Article.

5. Alternatively, considering the article as conception, diligence was present from at least the date of the article to after the effective date (filing date) (February 22, 1996) of U.S. Patent No. 5,758,328 based on the following:

A. In approximately a month after the article was published, I moved out of my home office and into a first commercial office.

B. In about six weeks from moving into my first office I corresponded with the Attorney General's Office of the State of Maryland regarding the legality of using my method and system in the state of Maryland. A summary of the correspondence and a notation of the meeting is attached as Exhibit B.

C. During the time of the contact with the Attorney General's Office and in about five weeks after my first contact regarding legality. I telephoned the firm of Birch, Stewart, Kolasch & Birch, LLP, (BSKB) 8110 Gatehouse Road, Suite 500 East, Falls Church, Virginia 22042, and consulted with Mr. Daley of that firm regarding applying for a patent.

D. In about two weeks, the BSKB firm sent me a letter explaining how to apply for a patent application including information regarding foreign filings, etc.

E. Within about approximately two-and-a-half weeks after receiving the letter, I authorized the BSKB firm to conduct a search of the subject matter of my invention at the U.S. Patent Office.

F. The search was completed in about ten days from the date authorized and the results communicated to me in a letter at that time.

G. From the date of the search, a disclosure was prepared, changes were made to the disclosure and a final disclosure was authorized. There was correspondence between myself and BSKB regarding editorial changes to the disclosure.

H. The final disclosure was prepared in about thirty days after the letter of the search was dated.

I. One day after that disclosure was authorized the provisional application was filed.

All the dates in my exhibits have been blacked out in accordance with standard patent practice.

I hereby declare that all statements made herein of our own knowledge are believed to be true, and further that these statements were made with the knowledge that

willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Wells Obrecht

12/7/99

Date